

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
v.) No. 3:15-CR-133
MELISSA D. MABE)

ORDER

In April 2016, this Court sentenced the defendant to a net term of 70 months' imprisonment. The defendant is presently scheduled to be released from federal custody on November 4, 2020. *See* Bureau of Prisons, <https://www.bop.gov/inmateloc/> (last visited April 13, 2020).

Pro se, the defendant has filed a motion for early release in light of the COVID-19 pandemic. [Doc. 297]. She does not cite any statutory authority in support of the request.

Section 12003 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, 134 Stat. 281 (2020), presently and temporarily provides for expanded prisoner home confinement. However, the CARES Act places decision making authority solely within the discretion of the Attorney General and the Director of the Bureau of Prisons. *See id.*; *accord* 18 U.S.C. § 3624(c)(2). This Court therefore does not have power to grant relief under Section 12003 of the CARES Act.

Alternatively, 18 U.S.C. § 3582(c)(1)(A)(i) allows district courts to consider prisoner motions for sentence reduction upon a finding of “extraordinary and compelling

reasons.” Such motions cannot be entertained by a district court until “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” 18 U.S.C. § 3582(c)(1)(A). Nothing in the record indicates that the present defendant has exhausted her administrative remedies.

The Court sympathizes with the defendant’s concerns, but it lacks authority to consider the present motion as explained herein. The motion [doc. 297] must therefore be **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge